

Sen. Waters

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FROM: AMEMBASSY, MEXICO, D. F.

Date Sent:

Rec'd:

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TO: Secretary of State

NO: G-123

Ref: CA-5340, December 31, 1959

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Foreign Minister TELLO was informed today of the desire of our government to re-explore with the Mexican Government possibilities of a formula which might gain two-thirds support and thereby assure the success of the UN Conference on the Law of the Sea scheduled for March 1960. Minister Tello said that Mexico shares fully in the hope that the Conference may reach a successful conclusion.

When it was pointed out to the Minister that the voting strength of separate blocs might be such as to prevent a two-thirds majority vote in favor of any one formula, he said that Mexico has been hopeful that its formula (a three to twelve mile territorial sea according to the election of the coastal state) could gain such support. When reference was made to the U.S. view that security factors are of primary consideration, and that a twelve mile territorial sea would negate effectively the concepts of western security, creating real problems of defense against submarine warfare, the Minister said that law of the sea could only be settled for time of peace and not for time of war; in the latter event, he added, no rule of law now agreed upon would apply. It was thereupon stated to him that the U.S., and other nations which carry the responsibility for the naval, air and military defense of the western world, have not departed in the slightest from their concept of security based on a narrow territorial sea, nor from their concern that a wider territorial sea than six miles would give the Communist bloc submarines serious advantage in the territorial waters of neutral states. Minister Tello queried whether in a future war there would be any such thing as a neutral state; the reply was made that at this time, certainly no one could know; it is quite possible that one or more states in the Western Hemisphere could remain neutral in event of war. Minister Tello asserted that all of the nations of the Western Hemisphere are bound together to act in event of war by the provisions of the Inter-American Defense Treaty. This observation, which does not appear to support soundly the idea of non-neutrality, was not further discussed at the time.

It was. . .

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It was stressed to the Minister that the United States continues to support the six-plus-six formula with reservation of historic fishing rights, and is hopeful that this formula will gain the required votes. It was suggested that, although the presentation of the United States position, with special emphasis on security considerations, did not gain Mexico's acceptance during the visit of the three-member team from Washington last summer, it would be desirable to review the positions of both governments at this time, for the purpose of examining any possible ground whereon these positions might be reconciled. Minister Tello said this could be done with Under-secretary of Foreign Relations José GOROSTIZA, Ambassador GARCIA Robles, Director in Chief of International Relations, and Lic. Jorge CASTAÑEDA (Director of International Organizations) during his absence on tour of six countries of South America with President LÓPEZ MATEOS, commencing January 14. Minister Tello said Mexico was prepared to accept a nine-mile territorial sea, or a six-mile territorial sea plus a three-mile exclusive fishing zone, and had so indicated in the conversations in Washington during the visit of President López Mateos.

After telephonic consultation with Mr. Arthur L. Richards in the Department, Minister Cate and Counselor Luddy called on Undersecretary Gorostiza in the early afternoon. The general points of approach which had been made with Minister Tello were reviewed and Undersecretary Gorostiza did not contest them; he did repeat that the Mexican formula of three to twelve mile territorial sea was still adhered to and he was informed that it appears very doubtful this formula can obtain the two-thirds votes required. With particular reference to the upcoming trip of President López Mateos to South America, Undersecretary Gorostiza was informed that the United States Government desires that the President be aware of its efforts to secure agreement by compromise, and in this sense would be prepared to give serious consideration to a modification of the six-plus-six formula with historic fishing rights by including a period of limitation on the duration of such rights, to be fixed by the vote of the Conference. The U.S. would still back its own proposal strongly, and will work for its acceptance; we will hope that all delegations at the Conference will have flexible instructions which will allow them to support both proposals. Sr. Gorostiza said that Mexico is equally willing to find a compromise formula in order that the Conference may have a successful outcome. For this reason, Ambassador Antonio CARRILLO Flores has visited the Department of State several times to discuss Mexican suggestions. Mexico's historic position of asserting a nine-mile territorial sea was a political obstacle to ceding three miles of such area. He conceded, however, that it need not be an insuperable obstacle, particularly if an extension of exclusive fishing rights over an additional area beyond nine miles were to be granted, to be interpreted as a compensation justifying the cession of three miles of territorial sea. When informed that Minister Tello had, less than two hours previously, stated that, on the basis of President López Mateos' conversations in Washington, Mexico could agree to either a nine mile territorial sea or a six mile territorial sea plus three miles of exclusive fishing rights, Undersecretary Gorostiza appeared to be surprised and asked for this statement to be repeated, which was done, but he made no comment. (It is the Embassy's impression that Minister Tello was not

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accurate in his reference to Mexico's position as expressed during Washington conversations).

Undersecretary Gorostiza said he would be pleased to arrange for a meeting during the week of January 18, at which he would be assisted by Ambassador Garcia Robles and Lic. Castañeda, to discuss in wider form the respective positions of the two governments. He said that, meanwhile, he would see to it that the instant conversation be brought immediately to the attention of Minister Tello, and that President López Mateos would be informed, prior to his departure on his trip, of the possible modification of the six-plus-six formula in the sense above outlined.

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POL:RGLeddy/sab

Approved for transmittal:

EJC
Minister Gale

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The Ambassador

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